ALTERNATIVE TO PTO/SB/08A/B (Based on PTO 08-08 version)

C. J.	ostitute for form 1449/PTO			Complete if Known		
Suc	stitute for form 1449/PTO			Application Number	10/695,499	
l IN	NFORMATION	I DI	SCLOSURE	Filing Date	October 28, 2003	
	TATEMENT E			First Named Inventor	Vincenzo SCARLATO	
			11 1 21071111	Art Unit	1645	
	(Use as many she	eets as	necessary)	Examiner Name	J. Graser	
Sheet	1	of	6	Attorney Docket Number	223002099101	

	U.S. PATENT DOCUMENTS							
Examiner	xaminer Cite Document Number Publication Date		Name of Patentee or	Pages, Columns, Lines, Where				
Initials*	No.1	Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear			
	1.	US-5,286,484	02-15-1994	Rodriquez et al.				
	2.	US-20020160016	10-31-2002	Peak et al.				
	3.	US-6,610,306	08-26-2003	Judd et al.				
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	FOREIGN PATENT DOCUMENTS									
Examiner	Cite	Foreign Patent Document	Publication	Name of Patentee or	Pages, Columns, Lines,					
Initials*	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages Or Relevant Figures Appear	T ⁶				
	6.	WO-9726359	07-24-1997	Centro De Ingenieria Genetica Y Biotechnologia						
	7.	WO-9936544	07-22-1999	Chiron S.P.A.		\Box				
	8.	EP-0474313-A2	03-11-1992	Centro De Ingenieria Genetica Y Biotechnologia						
	9.	EP-0474313-A3	03-11-1992	Centro De Ingenieria Genetica Y Biotechnologia						

Examiner Signature /Jennifer Graser/	Date Considered	08/12/2009
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^{*}EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials			T ²
	10.	Notice to Interference: Declaration-Bd.R. 203(b) filed June 11, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	11.	Ruelle Notice of Related Proceedings filed June 21, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	12.	Scarlato Notice of Related Proceedings filed June 25, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	13.	Ruelle Annotated Copy of Claims filed July 6, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	14.	Scarlato Annotated Copy of Claims filed July 9, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	15.	Ruelle Substantive Motion No. 1 (for judgment based on prior art). November 16, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	16.	Ruelle Substantive Motion No. 2 (for judgment based on prior art). November 16, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.	
	17.	Ruelle Substantive Motion No. 3 (for judgment based on prior art). November 16, 2007.	

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Suc	ostitute for form 1449/FTO			Application Number	10/695,499
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		• • •		Art Unit	1645
	(Use as many she	eets as	necessary)	Examiner Name	J. Graser
Sheet	2	of	6	Attorney Docket Number	223002099101

	Submitted in Ruelle v. Scarlato: Interference No. 105,551.
18.	Scarlato Substantive Motion 1. November 16, 2007. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
19.	Ruelle Opposition 1. February 13, 2008. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
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21.	Scarlato Opposition 2. February 13, 2008. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
22.	Ruelle Reply 1. March 10, 2008. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
23.	Ruelle Reply 2. March 10, 2008. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
24.	Scarlato Reply 1. March 10, 2008. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
25.	Order - Decision On Motions. March 11, 2009. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
26.	Ruelle Request for Rehearing. March 25, 2009. Submitted in Ruelle v. Scarlato: Interference No. 105,551.
27.	Declaration of Garnett H. Kelsoe, D.Sc. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1001. 37 pages.
28.	Curriculum Vitae of Garnett Herrel Kelsoe III. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1002. 21 pages.
29.	"Meningococcal Antigens." Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1003. 409 pages.
30.	Chiron SpA. Patent Application No. 9822143.5. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1005. 127 pages.
31.	Chiron SpA. Patent Application No. 9819015.0. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1006. 57 pages.
32.	Chiron SpA. Patent Application No. 9800760.2. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1007. 43 pages.
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34.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1011. 2 pages.
35.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1012. 2 pages.
36.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1013. 2 pages.
37.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1014. 2 pages.
38.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1015. 2 pages.
39.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1017. 2 pages.
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41.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1022. 2 pages.
42.	Parker et al. (1986). "New Hydrophilicity Scale Derived from High-Performance Liquid Chromagraphy Peptide Retention Data: Correlation of Predicted Surface Residues with Antigenicity and X-ray-Derived Accessible Sites," Biochemistry, 25:5425-5432. (Submitted in

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			11 1 21071111	Art Unit	1645	
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Sheet	Sheet 3 of 6		Attorney Docket Number	223002099101		

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43.	Karplus et al. (1985). "Prediction of Chain Flexibility in Proteins," Naturwissenschaften 72. 3 pages. (Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1024.)	
44.	Emini et al. (Sept. 1985). "Induction of Hepatitis A Virus-Neutralizing Antibody by a Virus-Specific Synthetic Peptide," Journal of Virology, p. 836-839. (Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1025.)	
45.	Janin et al. (1978). "Conformation of Amino Acid Side-chains in Proteins," Mol. Biol. 125:357-386. (Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1026.)	
46.	Ponnuswamy et al. (1980). "Hydrophobic Packing And Spatial Arrangement Of Amino Acid Residues In Globular Proteins," Biochimica et Biophysica Acta, 623:301-316. (Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1027.)	
47.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1028. 2 pages.	
48.	Sequence Data. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1029. 2 pages.	
49.	Sequence Alignment. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1031. 2 pages.	
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54.	Shinnick et al. (1983). "Synthetic Peptide Immunogens As Vaccines," Ann. Rev. Microbiol. 37:425-46. (Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1036.)	
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56.	Declaration of Diana Lee. Submitted in Ruelle v. Scarlato: Interference No. 105,551 as Exhibit No. 1038. 10 pages.	

Examiner		Date	
Signature	/Jennifer Graser/	Considered	08/12/2009

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JG/

Applicant's unique citation designation number (optional). Applicant is to place a check mark here if English language Translation is attached.